

### **REMARKS**

Claims 8, 9, 11-17 and 24-34 are pending in the present application. By the present communication, claims 11 and 31 have been canceled without prejudice and preserving applicant's right to pursue the canceled subject matter in a continuing application, and claims 8 and 29 have been amended. Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116. The amendments do not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Upon entry of the present amendment, claims 8, 9, 12-17 and 24-30, and 32-34 will be pending.

### **Rejection Under 35 U.S.C. 112, First Paragraph**

The rejection of claims 24-28 under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention, is respectfully traversed.

The Examiner alleges that [www.dictionary.com](http://www.dictionary.com) defines the word "suppress" as "to put an end to". Thus, claims 24-28 are alleged to encompass methods of preventing HIV cell fusion, as well as preventing HIV cell fusion within an uninfected individual who received the antibodies prophylactically (Office Action, page 2). Applicants note that the Examiner selected one of the six definitions provided by [www.dictionary.com](http://www.dictionary.com), but submit that in the context of the subject application, the more appropriate definition of "suppress" would be "to reduce the incidence or severity of (a hemorrhage or cough, for example); arrest," which is more specific to the use of the term in a medical context. (See definition #6 of "suppress" in [www.dictionary.com](http://www.dictionary.com) attached hereto as Exhibit A). Consequently, it is submitted that one skilled in the art would have known that claims 24-28 encompass methods of "reducing the incidence or severity" of HIV-induced cell fusion, as taught by Examples 2 and 3 of the specification (pages 20-24).

In view of the subject application, which exemplifies the use of antibodies that suppress intercellular leukocyte adhesion to block HIV-mediated cell fusion (see Examples 2 and 3; pages 20-24), Applicant submits that it would not have required undue experimentation for one skilled in the art to reduce the incidence or severity (i.e., suppress) HIV-induced cell fusion as required by the claims. Accordingly, reconsideration and withdrawal of the rejection of claims 24 to 28 under 35 U.S.C. § 112, first paragraph, are respectfully requested.

**Rejections Under 35 U.S.C. § 102**

The rejection of claims 8, 9, 13-15, 29, 30, 32 and 34 under 35 U.S.C. § 102(e) as allegedly being anticipated by Arfors (U.S. Patent No. 4,797,277), is respectfully traversed. It is stated at page 4 of the Office Action that, "Applicant's amendment to recite the monoclonal antibody ATCC HB 10160 is sufficient to overcome the rejection as applied to claims 11, 26, and 31." Consequently, claims 11 and 31 are "free of the prior art of record." (see Office Action, pages 4 and 7).

In order to reduce the issues and advance prosecution, claims 8 and 29 have been amended to incorporate the relevant language of claims 11 and 31 respectively. Accordingly, Applicant submits that amended claims 8 and 29 (and claims 9, 13-15, 30, 32 and 34 dependent therefrom), are not anticipated by Arfors, and withdrawal of the rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 103(a)**

The rejection of claims 8, 9, 13-17, 29, 30 and 32-34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Arfors in view of Springer et al., Hildreth et al., and Pastan et al. is respectfully traversed. As discussed above, claims 11-12, 26, and 31 are acknowledged in the Office Action as being "free of the prior art of record." (see, e.g., Office Action, page 7). In order to reduce the issues and advance prosecution, claims 8 and 29 have been amended to incorporate the relevant language of claims 11 and 31, respectively. Accordingly, Applicant

In re Application of:  
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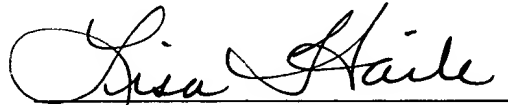
PATENT  
Attorney Docket No.: JHU1290-7

submits that amended claims 8 and 29 (and claims 9, 13-17, 30 and 32-34 dependent therefrom) are not *prima facie obvious* over the combined teachings of Arfors, Hildreth and Pastan, and withdrawal of the rejection is respectfully requested

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect respectfully is requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application. Please charge any additional fees, or make any credits, to Deposit Account No. 50-1355.

Respectfully submitted,

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**Enclosure: Exhibit A**